

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

Case No. BKY 04-333-8 GFK

Charles M. Schrandt and

**RESPONSE TO OBJECTION TO PLAN
AND MOTION TO DISMISS AND
REQUEST FOR CONTINUANCE.**

Beverly A. Schrandt,
Debtors

TO: All parties entitled to notice pursuant to LOCAL RULE 9013-3..

1. The Debtors moves the court for the relief requested below and gives notice of hearing.
2. The Debtors are agreeable to devoting all of the projected disposable income to payments under the plan, and desire to be given the time to properly amend the required Expense schedules and submit a modified plan, by August 16, 2004.
3. The Debtors therefore request a continuance until the August Calendar.
4. A hearing on the motion will be held before the Honorable Gregory F. Kishel, Courtroom 228B, U. S. Courthouse, 316 North Robert Street, St. Paul, Minnesota, at 10:30 a.m. on **August 26, 2004**, or as soon thereafter as counsel may be heard.
5. Any response to this motion must be filed and delivered not later than August 23, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays, or filed and served by mail not later than August 17, 2004 which is seven days before the time set for the hearing excluding (Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
6. This Court has jurisdiction over this motion pursuant to 28 U. S. C. Sec. 157 and 1334, FED. R. BANKR. P. 5005 and LOCAL RULE 1070-1. This proceeding is a core proceeding. The petition commencing this chapter 13 case was filed on June 3, 2004. The case is now pending in this court.
7. This motion arises under 11 U.S.C Sec.1322 and 1325 and FED BANKR. P. 3015 and LOCAL RULES 3015-1. Movant requests relief with respect to granting of

confirmation of Modified Chapter 13 plan, and dismissal of the Trustees Motion for Dismissal.

Wherefore, Debtor moves the court for an order continuing the hearing on the Trustees Objection to August 16, 2004 and such other relief as may be just and equitable.

Dated: July 23, 2004

Signed: /s/ Lloyd S. Myster

Lloyd S. Myster
Attorney for Debtor/Movant
Suite 500
701 Fourth Avenue South
Minneapolis MN 55415
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VERIFICATION

I, Lloyd S. Myster, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: July 23, 2004

/e/ Lloyd S. Myster

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

In re:

Charles M. Schrandt and
Beverly A. Schrandt

Debtors

Case No. BKY 04-33308 GFK

Chapter 13

USWORN DECLARATION FOR PROOF
OF SERVICE

The undersigned declares that on July 23, 2004, he served the Response to Objection to Plan and Motion to Dismiss and Request for Continuance on each of the parties named below as follows:

By electronic means only:

U. S. Trustee at 612-664-5516

Jasmine Z. Keller, Chapter 13 Trustee at 612-338-4529

By U. S. Mail, postage pre-paid:

Charles A. Schrandt
Beverly A. Schrandt
1628 Fourth Street North
South St. Paul, MN 55075

And, I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 23, 2004

Signed: /e/ Lloyd S. Myster

Lloyd S. Myster

Attorney for Debtor/Movant

Suite 500

701 Fourth Avenue South

Minneapolis MN 55415

ID#77033

Telephone: 612-340-8184

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